

Outrage greets new immigration plan

By Gerald V. Paul

COMMUNITY LAWYERS and activists have reacted with alarm over plans by the Canadian government to adopt new immigration rules which will be retroactive.

According to the proposed regulations for the new Immigration Act, Bill C-11, which was published in the *Canada Gazette* over the weekend, applicants who have already applied to come to Canada to live, regardless of when the application was made, will face the new rules.

This means that those who applied and paid the \$500

per applicant fee as required by the government, using the old rules as a guideline, will now be judged by the new guidelines.

And since the new rules are far more stringent, it means that many people who are already in the system (there is a backlog of some 500,000 applicants) will not succeed in their bid for resi-

dency in Canada.

But according to the government, there are no plans to refund such applicants their fees.

The new rules come into effect on June 28, 2002, but will be applied retroactively to all applicants, except those which have gone beyond the interview stage.

"The government officials have lied to the applicants. If you and I were doing this collection of money and not returning it, we would be charged with fraud," a livid John Ryan,

National President of the Association of Immigration Counsels of Canada, AICC, told *Caribbean Camera*.

"These applicants are not only having the door slammed in their faces, but having their pockets picked at the same time," Ryan added. "This action on the part of the Minister of Citizenship and Immigration is simply un-Canadian. We are a country which deals fairly with immigrants."

Ryan noted with grave concern that the Minister of Citizenship and Immigration, Elinor Caplan has said repeatedly over the last year and a half that she wants to open the door wider to legal immigrants.

"Well, these regulations will have exactly the opposite effect, slamming the door in the face of tens—if not hundreds—of thousands of skilled immigrants who have been waiting patiently to have their applications for permanent residence processed," he said.

The AICC is a federally chartered, non-profit organization whose membership includes former Canadian government officers, diplomats, lawyers and professional immigration counsel.

The Association is especially concerned that the new Regulations, which modify substantially the "points system" used to determine who is able to qualify to immigrate to Canada under the economic class categories, will be applied retroactively to ap-



HEY SANTA! Several delighted children share a special moment with the Man of the Moment at the Caribbean Catholic Centre's annual Christmas party for kids and seniors last Sunday. Photo by Gerald Paul



AWARD FOR MISS LOU: Jamaican Consul General to Toronto, Stuart Stephenson, left, presents one of his country's highest honours, the Order of Merit, on Louise Bennett-Coverley, the Jamaican icon known as Miss Lou, as her husband, Eric Coverley, looks on. The presentation at the Jamaican Consulate on Tuesday recognised Miss Lou as Jamaica's most cherished national treasure for her contribution to Arts and Culture. Photo by Eddie Grant.

plications submitted years before the implementation of the new law.

Prominent community lawyer Chet Sharma also voiced concern over the proposal.

"This is the first time ever that Immigration passed such legislation that has a retroactive effect. Indeed, it will be opened to challenge under the Charter of Rights," he said.

Sharma suggested that the community contact the Director General of the Legislative Review in Ottawa or their Members of Parliament to register their concerns.

Another prominent community lawyer, Leroy Crosse, called on immigrants and Canadians to "make noise! Challenge it. Protest," while Avi Go, Executive Director of the Metro Chinese and South East Asian Legal Clinic, called the move

"hypocritical."

"It is very disconcerting that it is retroactive. The government has a responsibility to return the money," she said.

Erica Lawson, Policy and Research Analyst for the African and Canadian Legal Clinic, said that she is concerned with how the law is being implemented and who is being affected.

"The community needs to be more vigilant. We must put pressure at the ballot boxes, demonstrations, collaborate with other groups," Lawson said.

Meanwhile, as the AICC is urging the federal government to reconsider its position on the issue before a 60-day consultation period ends on February 13, 2002.

AICC is encouraging readers to register their protest and disgust via electronic petition at www.aicc.ca